

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**CIVIL ACTION NO. 2005-10508-
RGS**

**JOSEPH E. BLAKE,
Plaintiff,**

v.

**ROBERT MURPHY, *et al*,
Defendants.**

**DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S
SECOND AMENDED COMPLAINT, OR, IN
THE ALTERNATIVE, FOR SUMMARY JUDGMENT**

Pursuant to Fed. R. Civ. P. 12 (b)(6), defendants Robert Murphy and Kathleen Dennehy move to dismiss the plaintiff's second amended complaint. Alternatively, the defendant moves for summary judgment pursuant to Fed. R. Civ. P. 56 (c). In support of this motion defendants submit a memorandum of law.

DEFENDANT ROBERT MURPHY
Respectfully Submitted,
By Their Attorney,

NANCY ANKERS WHITE
Special Assistant Attorney General

/s/ Brian P. Mansfield
Brian P. Mansfield, Counsel
Department of Correction
Massachusetts Treatment Center
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Dated: July 6, 2007

CERTIFICATE OF SERVICE

I hereby certify that I did this day served the above by filing electronically with the Court.

Dated: July 6, 2007

/s/ Brian P. Mansfield
Brian P. Mansfield